

49500/58162(MRP)

FILED BY J D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 AUG -3 AM 10:37
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
~~W/D OF TAL 10:37 AM 05 AUG 2005~~

KEVIN HAMMONS,)
Plaintiff,)
v.) NO. 04-2243-BV
LASIK VISION INSTITUTE, LLC;)
PEARLE VISION, INC., JAMES and)
TINA FLY, d/b/a PEARLE VISION;)
DAVID S. MURPHY, M.D.,)
and NIA KOA, OPTOMETRIST,)
Defendants.)

AGREED ORDER VACATING SCHEDULING DEADLINES

It appearing to the Court that the parties are in agreement based on the filing of an Amended Complaint and certain Defendants having not yet filed an Answer or otherwise plead, that the existing Scheduling Order in this cause should be vacated along with the current trial date and a new Scheduling Order established upon the answer of the new Defendants in this cause.

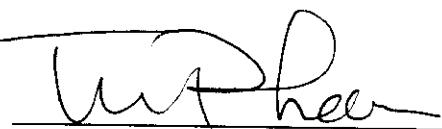
It is therefore ordered that the existing Scheduling Order dated April 8, 2005, is hereby vacated and a new Scheduling Order will be established upon answer of the new Defendants in this cause.

IT IS SO ORDERED.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 8-3-05

42

49500/58162(MRP)



TU M. PHAM
United States Magistrate Judge

August 2, 2005

Date

APPROVED FOR ENTRY:

Randall Songstad by RNS
Mr. Randall N. Songstad (BPR #018442) w/
6077 Primacy Parkway, Suite 102 permission
Memphis, TN 38119
(901) 683-5994
Attorney for Plaintiff

Marty R. Phillips
Mr. Marty R. Phillips (BPR #014990)
105 S. Highland Avenue
Jackson, TN 38301
(731) 423-2414
Attorney for David S. Murphy, M.D.

Elizabeth Collins by RNS
Ms. Elizabeth T. Collins (BPR #013193) w/ permission
THOMASON HENDRIX HARVERY JOHNSON & MITCHELL
One Commerce Square, 29th Floor
Memphis, TN 38103
Attorney for Defendant Lasik Vision Institute, LLC

49500/58162(MRP)

Lee Chase by D.P. Br
Mr. Lee Chase (BPR #008443) *by permission*
1700 One Commerce Square
Memphis, TN 38103
Attorney for Pearle Vision, Inc.

Bruce McMullen by B.D. D
Mr. Bruce McMullen (BPR #018126) *by permission*
THOMASON HENDRIX HARVERY JOHNSON & MITCHELL
40 S. Main Street, Suite 2900
Memphis, TN 38103
Attorney for Defendants James and Tina Fly



Notice of Distribution

This notice confirms a copy of the document docketed as number 42 in case 2:04-CV-02243 was distributed by fax, mail, or direct printing on August 3, 2005 to the parties listed.

Randy Songstad
DOWDEN SONGSTAD & WORLEY
6077 Primacy Parkway
Ste. 102
Memphis, TN 38119

Marty R. Phillips
RAINEY KIZER REVIERE & BELL
105 S. Highland Ave.
P.O. Box 1147
Jackson, TN 38302--114

Elizabeth T. Collins
THOMASON HENDRIX HARVEY JOHNSON & MITCHELL
40 S. Main St.
Ste. 2900
Memphis, TN 38103--552

Lee J. Chase
GLANKLER BROWN, PLLC
One Commerce Square
Suite 1700
Memphis, TN 38103

Elizabeth L. Atrutz
THOMASON HENDRIX HARVEY JOHNSON & MITCHELL
40 S. Main St.
Ste. 2900
Memphis, TN 38103--552

Honorable J. Breen
US DISTRICT COURT